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TECHNOLOGY CENTER 2800

**FAX COVER SHEET**

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<b>Date:</b> January 2, 2004	<b>Total Pages</b> (including cover sheet): 30
<b>TO:</b> Examiner: Tulsidas C. Patel	<b>Fax Number:</b> <b>Telephone Number:</b> (703)308-7722
<b>CC:</b>	<b>Fax Number:</b> <b>Telephone Number:</b>
<b>Our Ref:</b> ACT-131 (51926)	<b>Your Ref:</b> 09/851,376

In re Patent Application of )

David W. SHERRER )

Application No: 09/851,376 )

Filed: May 9, 2001 )

FOR: OPTICAL WAVEGUIDE )  
FERRULE AND METHOD OF )  
MAKING AN OPTICAL )  
WAVEGUIDE FERRULE )

BOX AF

Group Art Unit: 2839

Examiner: Tulsidas C. Patel

Confirmation No: 3898

I hereby certify that, on January 2, 2004, the following correspondence is being transmitted by facsimile to the Patent and Trademark Office, to (703)308-7722:

- (1) Statement Under 37 C.F.R. § 3.73(b) Establishing Right of Assignee to Take Action (4 pages)
- (2) Power of Attorney by Assignee of Entire Interest (Revocation of Prior Powers) (2 pages)
- (3) Transmittal Letter (4 pages)
- (4) Request for Examiner-Initialed Form PTO-1449 (3 pages including PTO-1449)
- (5) Request to Withdraw Finality and Amendment After Final Rejection (16 pages)

**Signature**

Jonathan D. Baskin  
Reg. No. 39,499

Practitioner's Docket No. ACT-131 (51926)

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: David W. SHERRER

Serial No.: 09/851,376

Group No.: 2839

Filed: May 9, 2001

Examiner: Tulsidas C. Patel

For: OPTICAL WAVEGUIDE FERRULE AND METHOD OF MAKING AN  
OPTICAL WAVEGUIDE FERRULEMail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**RESPONSE UNDER  
37 C.F.R. 1.116  
EXPEDITED PROCEDURE  
EXAMINING GROUP  
2839**

## AMENDMENT OR RESPONSE AFTER FINAL REJECTION—TRANSMITTAL

- Transmitted herewith are: a Statement Under 37 C.F.R. § 3.73(b) Establishing Right of Assignee to Take Action; Power of Attorney by Assignee of Entire Interest (Revocation of Prior Powers); Transmittal Letter; Request for Examiner-Initialed Form PTO-1449; Request to Withdraw Finality and Amendment After Final Rejection

## CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10\*

*(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

## MAILING

- ☐ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
- ☐ with sufficient postage as first class mail. ☐ as "Express Mail Post Office to Address" Mailing Label No. \_\_\_\_\_ (mandatory)

## TRANSMISSION

- ☒ transmitted by facsimile to the U.S. Patent and Trademark Office to (703)308-7722.

Date: January 2, 2004

Signature

Jonathan D. Baskin

(type or print name of person certifying)

## \*WARNING:

*Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. 1.10(b).**"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.*

**NOTE:** *Response to Final Rejection—Avoiding Extension Fees* "In patent applications wherein a three month Shortened Statutory Period (SSP) is set for response to a Final Rejection, the response would best be filed within two months of the date of the Office Action. If filed within two months, any Advisory Action mailed after the SSP expires will reset the SSP to expire on the date of the Advisory Action for extension fee purposes, but never more than six months from the date of the Final Rejection." Notice of Nov. 30, 1990 (1122 O.G. 571 to 591).

### STATUS

2. Applicant is
- ☒ a small entity. A statement:
- ☐ is attached.
- ☒ was already filed.
- ☐ other than a small entity.

### EXTENSION OF TERM

**NOTE:** *As to a Supplemental Amendment filed in response to a final office action, the Notice of December 10, 1985 (1061 O.G. 34-35) states:*

*"If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run."*

3. (complete (a) or (b), as applicable)

- (a) ☐ Applicant petitions for an extension of time under 37 C.F.R. 1.136 (fees: 37 C.F.R. 1.17(a)(1)-(4)) for the total number of months checked below:

	Extension (months)	Fee for other than small entity	Fee for small entity
<input type="checkbox"/>	one month	\$ 110.00	\$ 55.00
<input type="checkbox"/>	two months	\$ 420.00	\$ 210.00
<input type="checkbox"/>	three months	\$ 950.00	\$ 475.00
<input type="checkbox"/>	four months	\$1,480.00	\$ 740.00

Fee: \$ \_\_\_\_\_

If additional extension of time is required, please consider this a petition therefor.

*(check and complete the next item, if applicable)*

- ☐ An extension for \_\_\_\_\_ months has already been secured and the fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ \_\_\_\_\_

**OR**

(Amendment or Response After Final Rejection—Transmittal—page 2 of 4)

- (b) ☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

### FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

SMALL ENTITY						OTHER THAN A SMALL ENTITY		
Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Addit. Fee	OR	Rate	Addit. Fee
Total	* Minus	**	=	x \$9 =	\$		x \$18 =	\$
Indep.	* Minus	***	=	x \$43 =	\$		x \$86 =	\$
[ ] First Presentation of Multiple Dependent Claim				+ \$145 =	\$		+ \$290 =	\$
Total						OR	Total	
Addit. Fee					\$ _____		Addit. Fee	\$ _____

\* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3,

\*\* If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, enter "20".

\*\*\* If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest No. Previously Paid For" (Total or Indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

**WARNING:** See 37 C.F.R. § 1.116.

*(complete (c) or (d), as applicable)*

- (c) ☒ No additional fee is required.

OR

- (d) [ ] Total additional fee required is \$ \_\_\_\_\_.

### FEE PAYMENT

5. [ ] Attached is a check in the sum of \$ \_\_\_\_\_.
- [ ] Charge Account No. \_\_\_\_\_ the sum of \$ \_\_\_\_\_.
- A duplicate of this transmittal is attached.

**FEE DEFICIENCY**

**NOTE:** *Where there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the case. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, (1065 O.G. 31-33).*

6. ☒ If any additional extension and/or fee is required, charge Account No. 04-1105.

**AND/OR**

- ☒ If any additional fee for claims is required, charge Account No. 04-1105.

Reg. No. 39,499

Tel. No. (508) 787-4766

  
SIGNATURE OF PRACTITIONER

Jonathan D. Baskin

(type or print name of practitioner)

EDWARDS & ANGELL, LLP

P.O. Box 9169

P.O. Address

Boston, Massachusetts 02209

Patent  
Attorney Docket No. ACT-131 (51926)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of	)	
	)	
David W. SHERRER	)	Group Art Unit: 2839
	)	
Application No: 09/851,376	)	Examiner: Tulsidas C. Patel
	)	
Filed: May 9, 2001	)	Confirmation No: 3898
	)	
FOR: OPTICAL WAVEGUIDE	)	
FERRULE AND METHOD OF	)	
MAKING AN OPTICAL	)	
WAVEGUIDE FERRULE	)	

**REQUEST FOR EXAMINER-INITIALED FORM PTO-1449**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

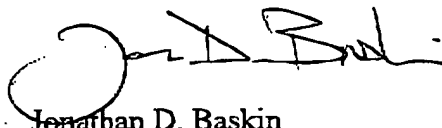
Sir:

Upon review of the present application file, it has come to applicant's attention that an Examiner-initialed copy of page 2 of 2 of the form PTO-1449 filed with the Information Disclosure Statement (IDS) on May 9, 2001, was not received by applicant. Accordingly, applicant respectfully requests that an Examiner-initialed copy be provided. For the Examiner's convenience, a copy of the this page as filed is attached.

Application Serial No: 09/851,376  
Attorney Docket No.: ACT-131 (51926)

If there are any questions concerning this paper or the application in general, the Examiner is invited to telephone the undersigned to expedite prosecution of the application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jonathan D. Baskin". The signature is stylized with a large, circular initial "J" and a long, horizontal stroke extending to the right.

Jonathan D. Baskin  
Attorney for Applicant  
Registration No. 39,499  
Telephone No.: (508) 787-4766  
Facsimile No.: (508) 787-4730

c/o EDWARDS & ANGELL, LLP  
P.O. Box 9169  
Boston, Massachusetts 02209  
Date: January 2, 2004

**INFORMATION DISCLOSURE CITATION**  
*(Use several sheets if necessary)*

Docket Number (Optional)

ACT.011

Application Number

NEW

Applicant(s)

SHERRER, David W.

Filing Date

MAY 9, 2001

Group Art Unit

TO BE ASSIGNED

## U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	L	5,381,494	01/10/95	O'DONNELL et al.			

## FOREIGN PATENT DOCUMENTS

	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
							YES	NO

OTHER DOCUMENTS *(Including Author, Title, Date, Pertinent Pages, Etc.)*


EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.